

1 FITZGERALD KNAIER LLP

2 Kenneth M. Fitzgerald, Esq. (SBN: 142505)

3 kfitzgerald@fitzgeraldknaier.com

4 Keith M. Cochran, Esq. (SBN: 254346)

5 kchochran@fitzgeraldknaier.com

6 402 W. Broadway, Suite 1400

7 San Diego, California 92101

8 Tel: (619) 241-4810

9 Fax: (619) 955-5318

10 WARREN LEX LLP

11 Matthew S. Warren, Esq. (SBN: 230565)

12 16-463@cases.warrenlex.com

13 Patrick M. Shields, Esq. (SBN: 204739)

14 16-463@cases.warrenlex.com

15 2261 Market Street, No. 606

16 San Francisco, California 94114

17 Tel: (415) 895-2940

18 Fax: (415) 895-2964

19 Attorneys for Plaintiff and Counter Defendant ViaSat, Inc.

20 WOLF, GREENFIELD & SACKS, P.C.

21 Michael A. Albert (Admitted *Pro Hac Vice*)

22 malbert@wolfgreenfield.com

23 Hunter D. Keeton (Admitted *Pro Hac Vice*)

24 hkeeton@wolfgreenfield.com

25 600 Atlantic Avenue

26 Boston, Massachusetts 02210

27 Tel: (617) 646-8000

28 Fax: (617) 646-8646

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

Victor M. Felix (SBN: 179622)

victor.felix@procopio.com

525 B Street, Suite 2200

San Diego, California 92101

Tel: (619) 515-3229

Fax: (619) 744-5409

Attorneys for Defendant and Counter Claimant

Acacia Communications, Inc.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**ViaSat, Inc.,**  
*a Delaware corporation,*  
  
Plaintiff  
and Counter Defendant,  
  
v.  
  
**Acacia Communications, Inc.,**  
*a Delaware corporation*  
  
Defendant  
and Counter Claimant.

Case No.: 3:16-cv-00463-BEN-JMA

**JOINT MOTION TO VACATE OR  
CONTINUE MANDATORY  
SETTLEMENT CONFERENCE**

Judge: Hon. Roger T. Benitez  
Mag. Judge: Hon. Jan M. Adler

1 Plaintiff and counterclaim defendant ViaSat, Inc. (“ViaSat”) and defendant and  
2 counterclaimant Acacia Communications, Inc. (“Acacia”) jointly move the Court to  
3 vacate or, in the alternative, to continue the Mandatory Settlement Conference from  
4 the current schedule (Dkt. No. 26, as modified by Dkt. Nos. 48, 59, and 68).

5 The Mandatory Settlement Conference is currently scheduled for 10:00 a.m. on  
6 April 19, 2018, and the corresponding Mandatory Settlement Conference statements  
7 must be submitted on or before April 12, 2018. (Dkt. No. 68 ¶ 7). ViaSat and Acacia  
8 jointly request that the Court vacate the Mandatory Settlement Conference from the  
9 schedule and vacate the deadline for the corresponding Mandatory Settlement  
10 Conference statements. In the alternative, the parties request that the Court continue  
11 the Mandatory Settlement Conference to a date after the Court rules on the parties’  
12 pending summary judgment and *Daubert* motions (currently set for hearing on April  
13 30, 2018).

14 Good cause exists for the parties’ proposed modification to the scheduling  
15 orders. After this Court’s entry of the current schedule on September 11, 2017 (Dkt.  
16 No. 68), ViaSat and Acacia conducted private mediation on March 9, 2018. The  
17 parties chose the Honorable Faith Hochberg, former United States District Judge for  
18 the District of New Jersey, to mediate. The parties provided Judge Hochberg with  
19 mediation statements and copies of the parties’ motion briefing.

20 Senior leadership with settlement authority traveled from California,  
21 Massachusetts, and Denmark to attend the mediation. Attending on behalf of Acacia  
22 was General Counsel and Vice President Janene I. Asgeirsson; Acacia Founder and  
23 Vice President of Digital Signal Processing and Optics, Christian J. Rasmussen; and  
24 Acacia’s Vice President of Engineering, Bhupendra C. Shah. Attending for ViaSat  
25 was Vice President, General Counsel, and Secretary Robert Blair; Vice President &  
26 General Manager of Comsat Labs at ViaSat, Prakash Chitre; Vice President and  
27 General Manager of ViaSat Cleveland, Russel Fuerst; and Associate General Counsel  
28 and Head of Litigation, Colin Ward. Both parties were represented by trial counsel.

1 During the mediation, the mediator led a discussion of the issues that divide the  
 2 parties. Despite having the decision makers present, and despite the parties' best  
 3 efforts to find agreement, the parties were not able to reach a settlement.

4 Given that the private mediation occurred just several weeks ago, and given that  
 5 the parties were unable to reach a settlement at that time, the parties do not feel that  
 6 the Mandatory Settlement Conference scheduled for April 19, 2018 would be  
 7 productive. Therefore, the parties respectfully request that the Court remove the April  
 8 19, 2018 Mandatory Settlement Conference from the schedule and vacate the deadline  
 9 for the corresponding Mandatory Settlement Conference statements. Following the  
 10 District Court's rulings on the pending summary judgment and *Daubert* motions, the  
 11 parties will inform the Court whether they feel that a Settlement Conference with the  
 12 Court would be productive.

13  
 14 Date: March 21, 2018

WOLF, GREENFIELD & SACKS, P.C.

15 By: s/ Michael A. Albert

16 Michael A. Albert

17 Hunter D. Keeton

18 Attorneys for Defendant and Counter  
 19 Claimant Acacia Communications,  
 Inc.

20 Date: March 21, 2018

FITZGERALD KNAIER LLP

21 By: s/ Kenneth M. Fitzgerald

22 Kenneth M. Fitzgerald, Esq.

23 Keith M. Cochran, Esq.

24 Attorneys for Plaintiff and Counter  
 25 Defendant ViaSat, Inc.

**SIGNATURE CERTIFICATION**

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Kenneth M. Fitzgerald , and I have obtained his authorization to affix his electronic signature to this document.

Date: March 21, 2018

By: s/ Michael A. Albert

Michael A. Albert

**CERTIFICATE OF SERVICE**

I certify that today I am causing to be served the foregoing document by CM/ECF notice of electronic filing upon the parties and counsel registered as CM/ECF Users. I further certify that, to the extent they are not registered CM/ECF Users, I am causing the foregoing document to be served by electronic means via email upon counsel for ViaSat, Inc., per the agreement of counsel.

Date: March 21, 2018

By: s/ Michael A. Albert

Michael A. Albert